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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,174	10/06/2000	Mark Morelli	00-623	1693

7590 01/16/2004

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EXAMINER

NGUYEN, HUY D

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 01/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/684,174

Applicant(s)

MORELLI ET AL.

Examiner

Huy D Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/29/2003 have been fully considered but they are not persuasive.
2. Regarding claims 1-18, the applicant stated that the transceiver/receiver taught by Ausems et al. is different from the server as disclosed in claim 1. The examiner states that "server" is broadly claimed in claim 1. Further, the PDA 100 as taught by Ausems et al. can remotely control appliances, heating, air conditioning systems...using wireless telephone engine 210. It is known in the art that PDA or hand-held computer communicates with other device through integrated cellular telephone equipment via base station, BSC, MSC, GMSC (gateway MSC)... (for example, Glorikian – US Patent No. 6,343,317 – Fig. 1; col. 3, lines 31-38).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8, 11-17, 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Ausems et al. (U.S. Patent No. 6,434,403).

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Regarding claims 1-2, 4, 6, 13-17, Ausems et al. discloses a method for remote control of structural appliances, comprising the steps of: communicating a structural appliance with a server programmed to accept mobile device commands; communicating a mobile device with server; issuing mobile device commands from mobile device to server; converting mobile device commands to structural appliance commands; and issuing structural appliance commands from server to structural appliance, whereby wireless control of structural appliance is established [Col. 9, lines 1-16] (since the PDA is capable of accessing a vast web, Col. 1 - line 26, it is known in the art that a gateway server is included as an interface between the PDA and the appliances).

Regarding claim 3, Ausems et al. further discloses steps of: transmitting structural appliance information from server to mobile device [Col. 9, lines 10-16]. It is inherent that in order to transmit appliance information from server to mobile device, the appliance information has to be stored in the server.

Regarding claim 5, Ausems et al. discloses the method according to claim 3, wherein structural appliance information comprises at least one type of information selected from the group consisting of diagnostic information, maintenance information, operating parameters, environmental information and combinations thereof [Col. 9, line 15].

Regarding claim 7, Ausems et al. discloses that mobile device is a web enabled device [Col. 1, line 26].

Regarding claims 8, 11, since PDA telephone 100 is a wireless device, it is inherent that it uses wireless application protocol.

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Regarding claim 12, Ausems et al. discloses display 145 for displaying information to user [Col. 4, lines 21-22].

Regarding claim 19, it is inherent that to remote control the appliances using the PDA 100, a selection of appliances is present on the PDA.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9-10, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ausems et al. (U.S. Patent No. 6,434,403).

Regarding claims 9-10, the examiner takes official notice that global satellite network and global computer network are known in the art. It would have been an obvious to one of ordinary skill in the art, at the time of the invention, to use global satellite network and global computer network since they are well known and used commonly.

Regarding claim 18, Ausems et al. discloses the claimed invention except that the mobile device is operated by an energy provider. It would have been an obvious matter of design choice to have the mobile device being operated by an energy provider or any provider, since it does not solves any problem or is for any particular purpose and it appears that the invention would perform equally well with the mobile device operated by any provider.

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Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D Nguyen whose telephone number is 703-305-3283. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-6750.

HW



**SINH TRAN
PRIMARY EXAMINER**